



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

January 25, 2010

Mr. Mark Majewski
Mizkan Americas, Inc.
1661 Feehanville Drive, Suite 300
Mt. Prospect, IL 60056

Re: No Further Action at the following Site:

- **Site Name:** Nakano Foods
- **Site Address:** 155 West "I" Street, Yakima, Washington
- **Facility/Site No.:** 62969449
- **VCP Project No.:** CE0289

Dear Mr. Majewski:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Nakano Foods facility (Site). This letter provides our opinion. We are providing this opinion under the authority of the Model Toxics Control Act (MTCA), Chapter 70.105D RCW.

Issue Presented and Opinion

Is further remedial action necessary to clean up contamination at the Site?

NO. Ecology has determined that no further remedial action is necessary to clean up contamination at the Site.

This opinion is based on an analysis of whether the remedial action meets the substantive requirements of MTCA, Chapter 70.105D RCW, and its implementing regulations, Chapter 173-340 WAC (collectively "substantive requirements of MTCA"). The analysis is provided below.

Description of the Site

This opinion applies only to the Site described below. The Site is defined by the nature and extent of contamination associated with the following releases:

- Gasoline-range hydrocarbons to the Soil and Groundwater
- Diesel-range hydrocarbons to the Soil and Groundwater
- Oil-range hydrocarbons to the Soil and Groundwater



Enclosure A includes a diagram of the Site, as currently known to Ecology.

Please note that a parcel of real property can be affected by multiple sites. At this time, we have no information that the parcel(s) associated with this Site are affected by other sites.

Basis for the Opinion

This opinion is based on the information contained in the following documents:

1. PLSA Engineering & Surveying, Site Assessment Engineering Report on Underground Storage Tank Removal, June 1995.
2. PLSA Engineering & Surveying, Interim Assessment Engineering Report on Underground Storage Tank Removal, October 1999.
3. PLSA Engineering & Surveying, Interim Assessment Engineering Report on Underground Storage Tank Removal, December 1999.
4. PLSA Engineering & Surveying, Ground Water Sampling Data, 2003 to 2008
5. Ecology's Site correspondence file.

Those documents are kept in the Central Files of the Central Regional Office of Ecology (CRO) for review by appointment only. You can make an appointment by calling the CRO resource contact, Roger Johnson, at (509) 454-7658.

This opinion is void if any of the information contained in those documents is materially false or misleading.

Analysis of the Cleanup

Ecology has concluded that **no further remedial action** is necessary to clean up contamination at the Site. That conclusion is based on the following analysis:

1. **Characterization of the Site.**

Ecology has determined your characterization of the Site is sufficient to establish cleanup standards and select a cleanup action. The Site is described above and in **Enclosure A**.

2. **Establishment of cleanup standards.**

Ecology has determined the cleanup levels you established for the Site meet the substantive requirements of MTCA.

a. Cleanup levels.

MTCA Method A cleanup levels for soil and ground water have been selected as the appropriate cleanup standard for the Site.

3. Selection of cleanup action.

Ecology has determined the cleanup action you selected for the Site meets the substantive requirements of MTCA. The cleanup action resulted in the removal of approximately 6,800 tons of contaminated soil from the Site. A small amount of residual contaminated soil remained in the excavation at a depth greater than fifteen feet due to safety concerns.

Four groundwater wells were installed to monitor contaminant levels. Four consecutive quarters of samples collected in 2007 showed contaminant levels below the MTCA Method A groundwater cleanup levels.

4. Cleanup.

Ecology has determined the cleanup you performed meets the cleanup standards established for the Site.

Listing of the Site

Based on this opinion, Ecology will initiate the process of removing the Site from our lists of hazardous waste sites, including:

- Hazardous Sites List
- Confirmed and Suspected Contaminated Sites List
- Leaking Underground Storage Tank List

That process includes public notice and opportunity to comment. After the public comment period has ended, Ecology will remove the Site from the applicable lists.

Limitations of the Opinion

1. Opinion does not settle liability with the state.

Liable persons are strictly liable, jointly and severally, for all remedial action costs and for all natural resource damages resulting from the release or releases of hazardous substances at the Site. This opinion **does not**:

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- Resolve or alter a person's liability to the state.
- Protect liable persons from contribution claims by third parties.

To settle liability with the state and obtain protection from contribution claims, a person must enter into a consent decree with Ecology under RCW 70.105D.040(4).

2. Opinion does not constitute a determination of substantial equivalence.

To recover remedial action costs from other liable persons under MTCA, one must demonstrate that the action is the substantial equivalent of an Ecology-conducted or Ecology-supervised action. This opinion does not determine whether the action you performed is substantially equivalent. Courts make that determination. *See* RCW 70.105D.080 and WAC 173-340-545.

3. State is immune from liability.

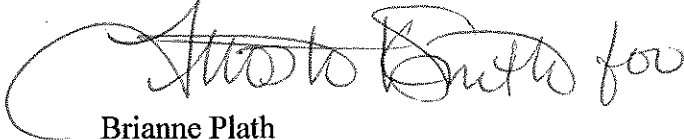
The state, Ecology, and its officers and employees are immune from all liability, and no cause of action of any nature may arise from any act or omission in providing this opinion. *See* RCW 70.105D.030(1)(i).

Termination of Agreement

Thank you for cleaning up the Site under the Voluntary Cleanup Program (VCP). This opinion terminates the VCP Agreement governing this project (CEO289).

For more information about the VCP and the cleanup process, please visit our web site: www.ecy.wa.gov/programs/tcp/vcp/vcpmain.htm. If you have any questions about this opinion or the termination of the Agreement, please contact me at (509) 454-7835.

Sincerely,



Brianne Plath
Site Manager
CRO Toxics Cleanup Program

Enclosure: A –Diagram of the Site

cc: George Furst, Hughes Hubbard & Reed, LLP
Pete Hobbs, City of Yakima
Bruce Sheppard, BNSF Railroad
Dolores Mitchell, VCP Financial Manager (w/o enclosure)